

Message Text

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ORIGIN EA-09

INFO OCT-01 ISO-00 PM-04 NSC-05 SP-02 SS-15 L-03 H-02

CIAE-00 COME-00 EB-07 INR-07 LAB-04 NSAE-00 SIL-01

SSO-00 NSCE-00 INRE-00 USIE-00 PRS-01 ACDA-07 /068 R

DRAFTED BY DOD/ISA/FMRA:SGOLDSMITH:KA

APPROVED BY EA:RHMILLER

PM:ISO:GCHURCHILL (DRAFT)

EA/PHL:BAFLECK

EA/PHL:JELAKE

L/EA - EVERVILLE (DRAFT)

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FM SECSTATE WASHDC

TO AMEMBASSY MANILA IMMEDIATE

INFO SECDEF

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CINCPAC

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C O N F I D E N T I A L STATE 180869

MANILA FOR USDEL, CINCPAC ALSO FOR POLAD

E.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: PHILIPPINE BASE NEGOTIATIONS: LABOR

REF: A. MANILA 10062 USDEL 108, B. MANILA 10275 USDEL 119

C. MANILA 10354 USDEL 122, D. MANILA 10463 USDEL 129,

E. STATE 155032

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1. IN LIGHT OF USDEL ANALYSIS REF D, YOU ARE AUTHORIZED TO

SEEK AGREEMENT ON NEW ARTICLE ON LABOR AS OUTLINED IN REF C, EXCEPT AS NOTED BELOW. FOR TACTICAL REASONS, WE STRONGLY PREFER TO SEE THIS ARTICLE TABLED AS A PHILIPPINE DRAFT. WE CAN AGREE TO PARAS 1-4 OF YOUR DRAFT, AND PROVIDE THE FOLLOWING GUIDANCE ON PARAS 5 AND 6.

2. PARA 5 - PAYROLL DEDUCTIONS. THIS PARA SHOULD BE MODIFIED TO INCLUDE IN FIRST SENTENCE SPECIFIC REFERENCE TO PHILIPPINE EMPLOYEES AND TO DELETE ANY REFERENCE TO AGENCY FEES. WHILE WE HAVE NO PARTICULAR OBJECTIONS TO INCLUDING AGENCY FEES, THIS IS CONSIDERED TO BE A SIGNIFICANT ITEM WHICH HAS BEEN VERY MUCH SOUGHT AFTER BY THE UNIONS AND BY INCIONG. THIS REPRESENTS A MAJOR CONCESSION ON OUR PART SINCE WE HAVE SERIOUSLY OBJECTED TO THIS IN THE PAST. WE BELIEVE THAT THIS ITEM SHOULD BE USED TO WRAP UP ACCORD ON THE ENTIRE ARTICLE. DELEGATION MIGHT

ALSO CONSIDER WHETHER AGREEMENT TO AGENCY FEES PROVISION HAS TRADEOFF VALUE ELSEWHERE.

3. PARA 6 - REDUCTION IN FORCE. WE ARE CONCERNED THAT PHRASE "CONSULTATION WITH THE PHILIPPINE BASE COMMANDER" COULD HAVE ADVERSE EFFECT ON OUR ABILITY TO SEPARATE PHILIPPINE EMPLOYEES THROUGH RIF PROCEDURES IN A TIMELY MANNER. ADDITIONALLY, WE MUST BE MINDFUL OF DOMESTIC PRACTICES AND STANDARDS EMPLOYED IN RIF PROCEDURES, WHICH FREQUENTLY ARE THE SUBJECT OF CONGRESSIONAL ATTENTION. WE ARE THEREFORE OFFERING A REVISED TEXT WHICH WILL REQUIRE NOTICE TO THE PHILIPPINE BASE COMMANDER AS WELL AS THE EMPLOYEES CONCERNED BUT WILL REQUIRE PBC TO REQUEST CONSULTATION WITHIN 10 DAYS OF NOTIFICATION OF PROPOSED RIFS TO AVOID SITUATION WHEREIN HE MIGHT WAIT UNTIL THE 29TH OR 30TH DAY BEFORE CONSULTING.

TEXT FOLLOWS QUOTE:

NO INVOLUNTARY SEPARATION OF A PHILIPPINE EMPLOYEE BY REDUCTION IN FORCE SHALL BE EFFECTED UNLESS THE EMPLOYEE CONCERNED, AND THE PHILIPPINE BASE COMMANDER, HAVE BEEN NOTIFIED AT LEAST 30 CALENDAR DAYS PRIOR TO THE DATE OF CONFIDENTIAL

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THE EMPLOYEE'S PROJECTED SEPARATION. THE PHILIPPINE BASE COMMANDER AND THE UNITED STATES FACILITIES COMMANDER SHALL, AT THE REQUEST OF EITHER SIDE MADE WITHIN 10 CALENDAR DAYS OF SUCH NOTIFICATION OF SEPARATION, CONSULT ON THE MATTER WITH A VIEW TO MITIGATING THE ADVERSE EFFECTS THEREOF. UNQUOTE

4. WE ARE AGREEING TO THIS NEW APPROACH ON LABOR BASED

UPON YOUR OPTIMISTIC INDICATION THAT THE LABOR AREA IS
NOT OF CRITICAL IMPORTANCE TO PHILS AND THAT DISCUSSION
OF LABOR WILL NOT PROLONG TALKS. IF IT BECOMES EVIDENT
THAT THIS IS NOT THE CASE, WE SHOULD REVERT TO THE TYPE
OF ARTICLE CONTAINED IN REF E AND TAKE LABOR UP AS A
SEPARATE AND DISTINCT ISSUE. ROBINSON

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